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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MONIQUE BOND and BRIGITTE
GINGRAS,

11 Plaintiffs,

12 v.

13 HOLLAND AMERICA LINE N.V., a
14 foreign corporation,

15 Defendant.
16

CASE NO. C17-1639

ORDER DENYING DEFENDANT'S
MOTION TO EXCLUDE
TESTIMONY OF DAVID
BATEMAN

17 THIS MATTER comes before the Court on Defendant's motion to exclude the testimony
18 of Plaintiffs' witnesses David Bateman, Mehul Patel and Dr. Christopher Waclaw Brown. (Dkt.
19 No. 44.) Having considered the motion, Plaintiffs' response (Dkt. No. 52), and all related
20 documents, the Court DENIES in part and DEFERS in part Defendant's motion.

21 Defendant seeks to exclude the testimony of David Bateman, alleging the testimony was
22 not properly disclosed pursuant to Federal Rule of Civil Procedure 26(a)(2) and his testimony
23 would not be helpful to the jury. (Dkt. No. 44 at 2-5.) But contrary to Defendant's allegation
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1 that Mr. Bateman was not disclosed until April 26, 2019 (Id. at 3), the fact that Plaintiff Bond
2 was working with a personal trainer was disclosed as early as August 22, 2018 (Dkt. No. 52, Ex.
3 6 at 6), and on March 22, 2019 Plaintiff provided a supplemental interrogatory response with Mr.
4 Bateman's name and address (Id. Ex. 7). Further, Mr. Bateman's testimony about Plaintiff
5 Bond's physical limitations and recovery efforts is relevant to Ms. Bond's claim for future
6 damages. (Id. at 2.)

7 Additionally, Mr. Bateman's testimony is in line with that of a treater, and pursuant to the
8 Parties' agreement that the perpetuation testimony of treaters would be taken through May,
9 Plaintiffs served notice of Mr. Bateman's testimony and met no objection. (Dkt. No. 52 at 4; Id.
10 Ex. 8.) And while Defendant now complains that Mr. Bateman has not provided a report, this is
11 in accordance with the Parties' July 2018 agreement. (Dkt. No. 23 ¶ 2.)

12 While Defendant's motion is denied, the Court sustains Defendant's first objection to Mr.
13 Bateman's designated testimony (Dkt. No. 58, Ex. 3 at 16:20-17:11).

14 The Court DEFERS ruling on Defendant's motion to exclude Mr. Patel and Dr. Brown
15 until the parties have submitted the Pretrial Order and the designated depositions of these
16 witnesses.

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18 The clerk is ordered to provide copies of this order to all counsel.

19 Dated May 29, 2019.

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22 Marsha J. Pechman
23 United States District Judge
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